

## **NOTES OF WORKING GROUP MEETING, FEBRUARY 15, 2005**

The meeting was called to order at 8:40 a.m. by Mike McGonagle, co-chair.

Members present: James N. Allam; Dan Beardsley; Robert V. Bibbo; Carole Bell; Terri Bisson; Claude Cote; Patrick Fingliss; Tom Getz; Terrence Gray; Dante Ionata; Jamie M. Magnani; Eugenia Marks; Mike McGonagle; Sherry Mulhearn; Steve Mutter; John O'Brien; John Trevor; Jennifer Tuttle; Harold Ward.

Guests: Wolfgang Bauer, West Warwick Town Manager; Dixie Boucher, West Warwick Public Works Dept; Maria Broadbent, Newport Public Works Dept; Paul Caccia, RIRRC; Jack Carney, Pawtucket Public Works Director; R. Dennis Leach, Pawtucket Public Works Department; Mike Mesolella, RIRRC; Joe Piccerelli, Barrington Public Works Department; John Razukiewicz, Pawtucket Public Works Dept; Representative John Savage of East Providence, former RIRRC Commissioner; Paul J. Thomas, West Warwick Public Works Director.

The Notes of the January 25 Working Group meeting were reviewed, corrected and set down.

Mr. Bauer suggested that discussion of Leaf and Yard Waste in the draft Plan be included in the Plan's Municipal Recycling section and that the leaf and yard waste tonnage diverted from landfilling by West Warwick's "excellent" composting program be included in the calculation of West Warwick's recycling rate for the purposes of determining whether the Town meets the recycling thresholds described in Recommendations 6-3-1 d1 and d2 in the draft Plan. Mr. Bauer emphasized that the details and particularities of each municipality's overall recycling program differ and that West Warwick should not be penalized by being required to pay the statutory formula tipping fee set forth in RIGL §23-19-13(g) for all of its landfilled MSW because his town's leaf and yard waste program diverts enough waste from landfilling to make the Town eligible for the lower \$32/ton MSW tipping fee.

Mr. McGonagle said the leaf and yard waste diverted from landfilling by West Warwick's composting program is reflected in Table 171-5-1 in the Plan and that leaf and yard waste estimates are included in projections of waste generation.

There was an extended discussion by several municipal representatives of the terms "diversion rate" and "MRF recycling rate" as used in the draft Plan. Ms. Mulhearn and other RIRRC representatives explained that "diversion rate" represents the total of all waste materials that are diverted from landfilling while the "MRF recycling rate" represents only those materials that are processed through the MRF and that municipal compliance with the provision in Recommendation 6-3-1 d1 will be determined on the basis of the "MRF recycling rate. Mr. Cote explained that the requirement that municipalities achieve 40% recycling is significantly less than the estimate that recyclables represent 61% of the MSW stream. Ms. Bell suggested that the terms "MRF recycling rate" and "diversion rate" be clarified and included as formal definitions.

There was an extended discussion concerning Recommendation 6-3-1 d2 which stipulates that municipalities "which fail to achieve the 20% MRF recycling rate shall pay the statutory rate reflected at the RI General Laws §23-19-13(g)" with Mr. Bauer, Mr. Beardsley, Mr. Carney, Mr. Mutter and Ms. Broadbent vigorously opposing this provision as unfair to the cities and towns. Mr. Bauer also opposed Recommendation 6-3-1 d1 which says Municipal Caps should be reduced by annual increments of five points until a Cap reduction of 40% is achieved in 2010. He said it may be difficult for some municipalities to achieve this level of recycling by 2010. Mr. Bauer said that in determining the timeline for reaching a 40% reduction, RIRRC should take into account the different levels of recycling currently being achieved by different municipalities and that these differences exist for various reasons.

Ms. Marks and Mr. Trevor said it is important that a uniform and rigorous Statewide standard be established to incentivize recycling and that the 40% Cap reduction level is appropriate.

Mr. Mutter initiated a long discussion concerning the Municipal Cap, its role in Recommendation 6-3-1 d2, and how it is calculated. Mr. Mutter and Mr. Bauer pointed out repeatedly that even though a municipality landfills MSW tonnage below its Municipal Cap it could still be penalized under Recommendation 6-3-1 d2. Mr. Ward, Ms. Marks, Mr. McGonagle, Mr. Trevor and Mr. O'Brien also participated in this discussion. Mr. McGonagle said RIRRC is prepared to consider revisions to the manner in which the Municipal Cap is calculated.

Mr. Mutter also initiated an extended discussion of the manner in which the municipalities' "recycling rate" is calculated; he said all diversion of all materials designated as "municipal recyclables" by DEM regulation should be included in a municipality's "recycling rate" and that the provision in Recommendation 6-3-1 d2 should take into account the diversion of

all DEM-designated “municipal recyclables.” Mr. Mutter also said that since white goods are a DEM-designated recyclable, they should, by statute, be accepted tipping fee-free by RIRRC.

Mr. Ward and Ms. Bell said the success and attainments of the State’s recycling program should be measured by measuring the total amount of materials diverted from the landfill. They said the principal objective is to conserve landfill capacity and therefore the key factor for measuring municipal achievement and the threshold for determining a higher municipal tipping fee should be the total diversion rate not just the MRF recycling rate.

It was the consensus that if a municipality assigns part of its Cap to its schools, it is responsible for ensuring that the schools’ recyclables are delivered to the MRF where they would be included by RIRRC in the municipality’s recycling rate.

There was an extended discussion of Recommendation 6-3-1 d2, what does it apply to and how will it be implemented: will it be retroactive; when will it go into effect; how and when will RIRRC determine what tipping fee each municipality will pay; how will the municipalities be assessed; what period of time will be used to assess municipalities; how will the municipalities pay the penalty tipping fee. Ms. Broadbent, Mr. Bauer, Mr. Mutter and Mr. Beardsley were the principal participants in this discussion.

Ms. Mulhearn said the provision is scheduled to become effective January 1, 2006 and it is not intended to be applied retroactively. She indicated she did not know the timing of when the municipal tipping fee determined under this provision would be determined or when it would be applied. There was consensus that the draft would require a municipality to pay the RIGL §23-19-13(g) tipping fee on all of the MSW it generated in the particular year in which it did not achieve the specified recycling threshold.

Mr. Beardsley objected to the paragraph on page 6.15 of the distributed draft Plan which indicated RIRRC and DEM are concerned “because of the potential negative impacts on municipalities’ commitments to recycling programs.” This language will be deleted.

Mr. Beardsley said the use of the phrase “reasonably attainable” in Recommendation 6-3-1 d1 is not a reasonable standard.

Mr. Beardsley asked for the origin of the provision in Recommendation 6-3-1 d1 that the Municipal Cap be reduced by five percentage points annually. Mr. Ward said its source was the Economics Subcommittee report. Ms. Marks supported the recommendation to incrementally reduce the Municipal Cap until a 40% reduction is achieved. She said the State has worked too hard for too long to implement a successful recycling program to now back away from making further progress.

Mr. Bauer recommended that if Recommendation 6-3-1 d2 is adopted as drafted some sort of “release valve” or appeal mechanism should also be adopted to protect municipalities that cannot meet the required minimum recycling thresholds by the required timelines.

It was agreed that the Plan should include a Recommendation that the General Assembly not divert funds from RIRRC (which could be used for recycling programs and municipal assistance) into the State’s General Fund.

Mr. Beardsley requested clarification of and questioned the provision in Recommendation 6-3-1 d3 that the RI League of Cities and Towns and RIRRC “jointly fund and co-sponsor a comprehensive study by an independent contractor” a study to determine the optimum recycling program that will minimize municipal cost while maximizing waste diversion.

A discussion of Recommendation 6-3-1 d9 that DEM amend its regulatory mandate that glass bottles and jars in the municipal recycling program be delivered to the MRF resulted in an agreement that this Recommendation should be deleted from the Plan. Mr. Ward and others recommended that RIRRC undertake a study to determine the most efficacious re-use of the glass produced by the MRF. Ms. Mulhearn said the crushed glass produced by the MRF is currently beneficially re-used because it is blended with other alternative landfill cover materials.

Mr. Mutter said a comprehensive waste composition analysis should be done “so that we know where we are going.” He also said that a complete waste composition analysis would help in improving the recycling rates achievable in Rhode Island. Mr. McGonagle said that a close comparison of the waste composition study recently completed by the Commonwealth of Pennsylvania to that completed by Rhode Island in 1990 material fraction by material fraction shows

differences that are not significant. Mr. Ionata said that while waste stream composition in 2005 is different from that measured in 1990, the differences will not affect the ability of the RIRRC to properly target waste stream materials for diversion or its ability to add new recycling programs or fine-tune existing recycling programs.

Mr. Mutter suggested RIRRC issue larger recycling bins. Ms. Bisson replied that it would not be practical to make the recycling bins any larger.

Mr. McGonagle announced that another Working Group meeting will be added to the schedule and that a redraft of the Plan will be available to the Working Group before its scheduled meeting on March 1.

The meeting was adjourned at 11:10 a.m.